

EXHIBIT 134

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; ELAINE C. DUKE, in her official capacity; U.S. CITIZENSHIP AND IMMIGRATION SERVICES; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and the UNITED STATES OF AMERICA,

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Defendants.

DECLARATION OF SUSAN HERBST

Pursuant to 28 U.S.C. 1746, I, Susan Herbst, having been duly sworn, depose and say, based on my personal knowledge and belief:

1. I am over the age of eighteen and believe in the obligations of an oath.
2. I am the President of the University of Connecticut (“UConn” or “the University”).

BACKGROUND

3. UConn is a public land grant and sea grant university. It is the State of Connecticut's flagship institution of higher learning. We are currently ranked as No. 18 among the

nation's top public universities, which marks our seventh consecutive year in the Top 25, according to the annual ranking produced by *U.S. News & World Report*. UConn has ten schools and colleges at its main campus in Storrs, separate schools of Law and Social Work, four regional campuses throughout the state located in Hartford, Stamford, Waterbury and Avery Point, and Schools of Medicine and Dental Medicine at the UConn Health Center in Farmington. UConn is fully accredited by the New England Association of Schools and Colleges and is a Carnegie "Research Very High" university, a prestigious designation shared by only the nation's top higher education institutions. UConn has more than 70 focused research centers where faculty, graduate students and undergraduates explore everything from improving human health to enhancing public education and protecting the country's natural resources.

4. I have been employed at the University in my present capacity since 2011. Previously I served as executive vice chancellor and chief academic officer of the University System of Georgia, where I led 15 university presidents and oversaw the academic missions for all 35 public universities in Georgia. Before arriving in Georgia, I was provost and executive vice president at the University at Albany (SUNY), and also served as officer in charge of the university, effectively the acting president, from 2006 to 2007. I also previously served as the dean of the College of Liberal Arts at Temple University. I initially spent 14 years at Northwestern University, joining the faculty in 1989 and serving until my departure to Temple University. At Northwestern I held a variety of positions including professor of political science and chair of the department. I earned my doctorate in communication theory and research from the University of Southern California's Annenberg School for

Communication in Los Angeles in 1989 and a Bachelor of Arts from Duke University in 1984.

5. As President, I am the chief executive officer of UConn, its schools and colleges, and its other divisions and units. I have led multiple initiatives to strengthen teaching, research and service at the University.
6. I have either personal knowledge of the matters set forth below or, with respect to those matters for which I do not have personal knowledge, I have reviewed information gathered by the University administrative staff, all of whom report to me.

DACA RECIPIENTS AT UCONN

7. UConn admits academically qualified students regardless of their immigration status. We encourage the application and enrollment of qualified undocumented students including students granted Deferred Action for Childhood Arrivals (“DACA”).
8. DACA recipients who are Connecticut residents are eligible for in-state tuition, making our flagship institution an affordable option for higher education.
9. UConn does not track undocumented or DACA status among its student population because it does not have a business need to do so. Our administration, however, has personal knowledge that some UConn students are DACA recipients as a result of the voluntary self-declaration of the students. This declaration describes the accomplishments and impacts of the self-declared DACA students. Because many DACA students elect not to self-declare, the benefits to UConn of DACA students are undoubtedly greater than what is described here.

10. Since the DACA program went into effect in 2012, like many colleges and universities, UConn campuses have seen the critical benefits of this program not only for the DACA students themselves, but for all of our UConn students and the larger UConn community.
11. DACA students are enrolled in a wide variety of academic disciplines that represent a cross section of UConn's instructional programs, including Education, Political Science, Allied Health, Sociology, and Mechanical Engineering.
12. Self-declared DACA students have made significant individualized contributions to UConn's academic community. They have conducted research on First Generation College Students; have maintained outstanding academic status; and have served as Ambassadors for UConn's Cultural Centers.
13. DACA students have contributed to the UConn community through participation in a wide variety of co-curricular and service activities. These include: leadership in the Mentoring, Educating, and Training for Academic Success program; cultural-based organizations; advocacy and social justice organizations such as Students Without Borders and Connecticut Students for a Dream; fraternities and sororities; Homecoming celebrations; and the Society of Hispanic Professional Engineers, just to name a few examples.
14. In addition to the specific contributions DACA students have made to academic programs and co-curricular activities, their very presence as a part of our living and learning community is of great value. All UConn students, as well as our faculty and staff, benefit from having DACA students bring their particular experience and perspective to our community. A diverse study body and learning environment are necessary for UConn's academic excellence as an institution in creating effective scholars and educators.

THE HARM TO UCONN OF ENDING DACA

15. Cancelling the DACA program will hurt the University of Connecticut academically and economically.
16. Ending DACA will effectively end DACA recipients' relief from deportation. It will end their employment authorization. Employment authorization is critical to DACA students' ability to fund their current tuition and living expenses. Without such authorization they will not be able to work legally upon graduation. Without current income or the possibility of future employment, some DACA beneficiaries may not apply or enroll at the University in the first place. Many currently enrolled DACA students will not be able to afford to continue their education.
17. The University anticipates that the cancelation of the DACA program will cause an exodus of DACA students from our institution and will deter other DACA recipients from applying and enrolling.
18. Terminating the DACA program will have a negative impact on the University, its students, its faculty, and its learning environment.

The Academic Harm to UConn

19. The University's academic community would be injured by the cancelation of the DACA program.
20. The University of Connecticut is committed to being an inclusive environment in which all members of our diverse community can freely and securely engage in UConn's research, teaching, and public service missions. UConn's campuses offer vibrant learning environments that welcome diverse people, ideas, and perspectives.

21. As a lifelong educator in higher education, from my graduate studies, as a faculty member, as an administrator, and now as chief executive, I can attest to the critical importance of exposing students to a wide range of individuals of different backgrounds. That is a fundamental component of the education process. Diverse individuals from divergent backgrounds contribute new ideas and viewpoints that enhance the dialogue within the classroom and force their peers to question what they think they know.
22. DACA students contribute a unique perspective to the educational environment that cannot be met by any other student population. DACA students are neither traditional domestic nor international students. They have a different personal experience and a unique viewpoint which they bring to our student body as a whole.
23. The contributions of DACA students extend beyond the classroom and into the campus community. As stated above, DACA students contribute greatly to the extracurricular and social life at UConn. Their presence on campus enriches UConn's student life environment.
24. The mere presence of diverse student populations enhances the living, social, and curricular aspects of higher education that are a fundamental part of the overall education process.
25. Today, students in the DACA program who are enrolled at UConn have proven themselves to be talented, hard-working and ambitious. That is how they gained admission. That is why they are succeeding academically. Like all of our graduates, after earning their degrees they can continue to lead positive, productive lives, contributing to Connecticut's economy and communities. Above all, these bright young people are striving to succeed. That sense of hope and opportunity represents the great promise of the United States and our higher education system.

26. If new DACA students do not enroll, or current DACA students are forced to drop out, UConn will lose the benefit of the extraordinary contributions and perspectives that these special young people bring to our campus communities as both students and alumni.

The Financial Harm to UConn

27. UConn as an institution would be injured economically by the cancelation of the DACA program.

28. UConn would be hurt financially because a loss of students due to the termination of DACA will cause UConn to lose tuition revenue. If DACA students are deported, forced to withdraw or leave the University, UConn will lose the tuition revenue that these students contribute. This is a significant impact on the University.

29. UConn will be hurt financially because UConn will have allocated valuable enrollment spaces and devoted considerable resources to students who are unable to complete their education at UConn. This past year, UConn received 34,194 applications for freshmen enrollment to our Storrs campus. UConn ultimately granted 16,360 admissions selections resulting in 3,683 newly-enrolled freshmen, evidencing the extreme competitiveness of each UConn admissions spot. If current DACA students are forced to drop out, UConn will lose the value of the resources UConn has invested in educating students who ultimately are not able to graduate.

30. UConn will be hurt financially because the loss of our DACA students would cause UConn to lose the investment of the resources already provided to this student population. Some examples of the resources that would be lost include: the loss of research dollars invested in, or granted to, DACA students and programs they work on; the loss of the assignment of student housing benefits provided to DACA students; and the overall loss of

instructional time and other institutional resources deployed in educating students who ultimately do not graduate and go on to become proud UConn alumni.

31. UConn will be hurt financially by the loss of graduate DACA students' employment authorization, resulting in these students no longer being eligible to hold Graduate Assistantships. A Graduate Assistantship is a part-time employment position awarded to a graduate student to provide teaching support ("Graduate Teaching Assistant") or research support ("Graduate Research Assistant") to the University that is a part of the graduate student's academic program. To support Graduate Assistantship positions, UConn provides a salary, a tuition waiver covering the costs of attendance at UConn, and fringe benefits such as subsidized health/dental/eye care insurance. If DACA is rescinded, Graduate Assistants who are DACA recipients will lose their employment positions and will lose all the attendant benefits for themselves and their families.
32. UConn will be hurt by the loss of these Graduate Assistants because they provide significant service to the University. The loss of Graduate Teaching Assistants hurts the faculty who depend on them, particularly in larger classes, to conduct discussion sections, grade papers and meet with students. It will hurt the students in those classes who will lose this resource. Graduate Teaching Assistants may also serve as the sole instructor in courses, particularly later in their graduate career. Students will be harmed by the loss of Graduate Teaching Assistants because departments may not be able to offer some courses as regularly as they now do. Qualified Graduate Research Assistants are essential members of research teams headed by faculty members. Losing them would have a negative impact both on the faculty who depend on them for labor and intellectual support of research, and on the research initiatives themselves. In addition, other Graduate Assistants provide vital

support to offices that provide services to students, and the functions of these offices could be greatly hampered by the cancelation of the DACA program.

33. UConn will be hurt by the exclusion of DACA students from a number of our degree programs. Certain degree programs require employment elements for the completion of the degree such as paid internships, clinical training, and graduate assistantships. The loss of work authorization in some circumstances may prevent DACA students from meeting the academic requirements of their degree programs, especially in programs that require employment to complete research or experiential components of the program. The fields affected include, by way of example, nursing, pharmacy, and UConn's Higher Education and Student Affairs Master of Arts program. Any undergraduate or graduate program that requires employment authorization, state licensure or a social security number to complete elements of the program will be effectively closed to this student population. If DACA is terminated, these students will be stripped of their legal work status, and will be unable to complete their degree program. If they cannot complete their program they may never enroll, and many already enrolled will likely drop out.

34. UConn will be hurt financially by the loss of resources spent on training our faculty and staff. As with many student populations with unique attributes on campus, UConn has invested financial resources and time to provide specialized trainings offered by not-for-profit organizations designed to educate our faculty and staff on how best to address the needs of the DACA and undocumented student population. UConn has provided external trainings on interacting with the DACA and undocumented student population to University offices spanning Enrollment Planning and Management, including Undergraduate Admissions and Student Financial Aid Services, Student Affairs, the Center

for Career Development, the Graduate School, and University Advising, among others. Some staff have taken additional individualized trainings. By way of example, UConn's Undergraduate Admissions has a staff member who specializes in advising DACA and undocumented prospective students in the admissions process, and all public-facing staff across the Division of Enrollment Planning and Management receive DACA peer trainings. The University considers this a valuable investment to our staff training, but this investment would be lost if DACA students could no longer enroll at UConn.

35. UConn will be hurt financially by the increased need of student support services that will result from a cancelation of DACA. DACA students have access to UConn's Student Health Services, including Counseling and Mental Health Services, and other student support services on the same basis as all UConn students. The uncertainty and even fear that the DACA rescission has introduced into DACA students' lives has caused additional physical and emotional impacts on our individual students. Those effects will need to be addressed by UConn's Student Health Services and other student support services offices, with additional cost to the University.

36. UConn will be hurt by the exclusion of the DACA student population from our education abroad opportunities. The termination of DACA status would mean that this student population cannot travel internationally because these students will lose the ability to receive advance parole. Loss of these students will impact UConn's education abroad programs. DACA students have engaged our Office of Global Affair's Education Abroad in conversations about education abroad opportunities. With the cancelation of DACA these opportunities will be closed to them. The inability to participate in education abroad

represents another aspect in which this student population cannot engage fully and equally alongside other UConn students in our programs, services and opportunities.

37. UConn will be hurt financially by the loss of any DACA faculty and staff employed by the University. UConn would lose the services of qualified and trained employees and suffer the resulting costs.
38. The loss of DACA students, faculty and staff will also cause a moral loss to our UConn community. The idea of unwillingly losing classmates, peers and friends through action that is contrary to UConn's mission and values represents a shock to our collective identity. UConn has already experienced student protests in support of the DACA program and our DACA population since the announcement that DACA is to be terminated. These sentiments are only expected to increase. UConn will need to expend additional resources, both financial and intellectual, to address the detrimental effects of the DACA rescission on University family and friends of DACA recipients.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



SUSAN HERBST

DATED: SEPTEMBER 20, 2017